

Magistrate Judge Mary Alice Theiler

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

SAMI C. HORNER,

Defendant.

NO. MJ20-553

## **COMPLAINT for VIOLATION**

Title 26, United States Code, Sections 5861(d),  
5845(a)(8)

BEFORE, The Honorable Mary Alice Theiler, United States Chief Magistrate Judge, U.S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

## COUNT 1

### **(Unlawful Possession of a Destructive Device)**

On or about August 26, 2020, in Seattle, within the Western District of Washington, SAMI C. HORNER did knowingly possess a destructive device, that is, a device commonly known as a Molotov cocktail, that was not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8).

1 **AFFIANT'S BACKGROUND**

2 1. I am a Special Agent duly sworn and employed by the U.S. Department of  
3 Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am currently  
4 assigned to the Seattle V ATF Field Office, located within the Seattle, Washington, Field  
5 Division. I have been employed as a special agent since July 2017.

6 2. I am a graduate of Western Oregon University in Monmouth, Oregon,  
7 where I received a Bachelor of Science in Computer Science and a Bachelor of Science  
8 in Criminal Justice. I completed a twelve-week Criminal Investigator Training Program  
9 and a fifteen-week Special Agent Basic Training at the ATF National Academy/Federal  
10 Law Enforcement Training Center in Glynco, Georgia.

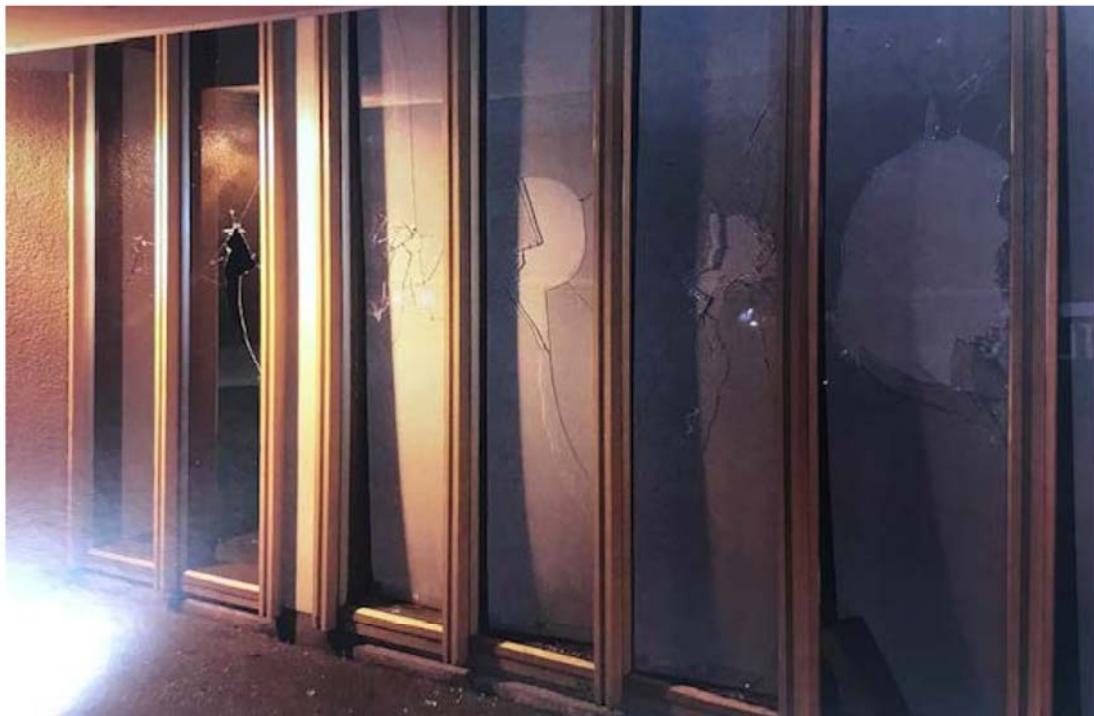
11 3. I am responsible for investigations involving specified unlawful activities,  
12 to include violent crimes involving firearms that occur in the Western District of  
13 Washington. I am also responsible for enforcing federal firearms and explosives laws  
14 and related statutes in the Western District of Washington. I received training on the  
15 proper investigative techniques for these violations, including the identification of  
16 firearms and location of the firearms' manufacture. I have actively participated in  
17 investigations of criminal activity, including but not limited to: crimes against property,  
18 narcotics-related crimes, and crimes involving the possession, use, theft, or transfer of  
19 firearms. During these investigations, I have also participated in the execution of search  
20 warrants and the seizure of evidence indicating the commission of criminal violations.

21 4. This affidavit is made based upon my personal knowledge, training,  
22 experience and investigation, as well as upon information provided to me and my review  
23 of reports prepared by other law enforcement personnel. This affidavit is made for the  
24 purpose of establishing probable cause for this Complaint and thus does not include each  
25 and every fact known to me concerning this investigation.

## **SUMMARY OF PROBABLE CAUSE**

2       5.     On August 26, 2020, Seattle Police Department officers observed a man,  
3 later identified as SAMI HORNER, as part of a large group of individuals who had  
4 initially gathered at Volunteer Park in Seattle. Officers observed HORNER break  
5 multiple windows at a bank, located at 321 15th Avenue East, causing an estimated over  
6 thousand dollars in damage.





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USAO 2020R00794

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1       6. Officers attempted to arrest HORNER, but he fled on foot, wearing a  
2 backpack. Officers chased him, and apprehended him approximately three blocks away  
3 from the bank. Upon being detained, HORNER blurted out, without any prompting, that  
4 the backpack was not his, that his wallet was in it, and that he was holding it for a friend.  
5 Later during booking, when officers were confirming HORNER's identity, HORNER  
6 stated, "I said to check my ID. I said that my ID was in my bag, err not my bag, but  
7 somebody else's." HORNER's statements were captured on body camera video.

8       7. Officers opened the backpack as part of a search incident to arrest. Officers  
9 recovered a device suspected to be what is commonly referred to as a Molotov cocktail.  
10 Specifically, the device consisted of a glass bottle containing a liquid and what appeared  
11 to be a wick. The backpack also contained two lighters, a mask with filters, a helmet, a  
12 walkie talkie, and some clothes. Photographs of the backpack and some of the items  
13 located therein are included below:







8. Investigators processed the suspected Molotov cocktail. They sampled the  
9 liquid and utilized a chemical analysis tool to perform a preliminary field test. The liquid  
10 tested positive for a chemical in the flammable liquid family.

11 9. ATF Senior Explosives Enforcement Officer (“EEO”) Brennan Phillips  
12 conducted an initial review of the evidence from the suspected Molotov cocktail. EEO  
13 Phillips has the responsibility within ATF for making Device Determinations under the  
14 NFA as required by 27, C.F.R., § 479.24. EEO Phillips advised that the glass container,  
15 filled with a suspected ignitable liquid and fitted with a wick, commonly known as  
16 “Molotov cocktail,” was likely designed as a weapon and would be properly identified as  
17 an incendiary bomb. Incendiary bombs are destructive devices as that term is defined in  
18 26 U.S.C., §5845(f) and would be regulated in accordance with the Federal Firearms  
19 Regulations. Additionally, he advised that incendiary bombs are within the meaning of  
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1 incendiary device found in paragraph (5) of 18 U.S.C. §232 and are therefore explosives  
2 as that term is defined in 18 U.S.C., §844(j).<sup>1</sup>

3 10. On August 28, 2020, I verified that SAMI HORNER did not have any  
4 items registered to him in the National Firearms Registration and Transfer Record.

5 **CONCLUSION**

6 11. Based on the foregoing, I respectfully submit that there is probable cause to  
7 believe that SAMI HORNER, has committed the offense of: Unlawful Possession of a  
8 Destructive Device, in violation of Title 26, United States Code, Sections 5861(d) and  
9 5845(a)(8).

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12 \_\_\_\_\_  
13 LEXIE WIDMER, Complainant,  
14 Special Agent, ATF

15 The above-named agent provided a sworn statement attesting to the truth of the  
16 contents of the foregoing affidavit by telephone on this 28th day of August, 2020. The  
17 Court hereby finds that there is probable cause to believe the Defendant committed the  
18 offense set forth in the Complaint.

19  
20 Dated this 28th day of August, 2020.

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22 \_\_\_\_\_  
23 MARY ALICE THEILER  
24 United States Magistrate Judge  
25

26 \_\_\_\_\_  
27 <sup>1</sup> I am advised that numerous courts have held courts that a fully-assembled Molotov cocktail-defined as a device  
28 comprising a bottle, gasoline, and a rag-constitutes an “incendiary ... bomb” or “similar device” under section  
5845(f). EEO Phillips advised he will ultimately need to review any forensic chemistry reports and conduct a  
physical exam the device in question before making a final Device Determination, submitting it for peer review, and  
approval by the Explosives Enforcement Branch.